

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

PRESCOTT MCCURDY,

Plaintiff,

vs.

No. _____

TOWN OF BRUNSWICK, ME, et al.,

Defendants.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1367, 1441 and 1446, Defendants Town of Brunswick, John Eldridge, Commander Hansen, Officer Joshua Bernier, and Sgt. Ed Yurek (collectively “the Town Defendants”), by and through counsel, hereby remove the above-captioned case from the Maine Superior Court for Cumberland County to the United States District Court for the District of Maine based on the following grounds:

1. The Town Defendants are named in a civil action brought against them in Cumberland County Superior Court and captioned *Prescott McCurdy v. Town of Brunswick, et al.*, Docket No. CV-22-294.
2. The Town Defendants were served with a summons and Complaint in the Superior Court matter on October 13, 2022 and October 14, 2022.
3. To the best of the Town Defendants’ knowledge, Defendant Officer Curtis has not been served at this point.
4. The Complaint alleges causes of action against the Town Defendants under federal law – specifically that the Plaintiff is seeking relief for alleged violations of his rights under the United States Constitution pursuant to 42 U.S.C. § 1983.
5. This Court has jurisdiction over this civil action pursuant to 28 U.S.C. § 1331 by virtue of a federal question. Moreover, to the extent the Plaintiff’s Complaint includes state law claims, the Court has jurisdiction over those claims pursuant to 28 U.S.C. § 1367. Therefore, the above-referenced defendants may remove this action from the Maine Superior Court for

Cumberland County to the United States District Court for the District of Maine pursuant to 28 U.S.C. § 1441, et seq.

6. The Town Defendants all consent to removal of the case to the United States District Court for the District of Maine.

WHEREFORE, Defendants Town of Brunswick, John Eldridge, Commander Hansen, Officer Joshua Bernier, and Sgt. Ed Yurek hereby notice the removal of this action to the United States District Court for the District of Maine and ask the Court to docket this action and treat it in all respects as though it had been originally brought in this Court.

Dated at Portland, Maine this 1st day of November, 2022.

Attorneys for Defendants Town of Brunswick,
John Eldridge, Commander Hansen,
Officer Joshua Bernier, and Sgt. Ed Yurek
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BY: /s/ John J. Wall, III
John J. Wall, III

CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2022, I filed by email to 'MaineECFIntake@med.uscourts.gov' the above **Notice of Removal** and that I served a copy of this **Notice of Removal** on the Plaintiff and the Cumberland County Superior Court by First Class Mail, postage prepaid, and addressed as follows:

Prescott McCurdy
34 Allen Point Road
Harpwell, ME 04079

Shelley Sawyer, Clerk
Cumberland County Superior Court
205 Newbury Street
Portland, ME 04112-0287

Dated at Portland, Maine this 1st day of November, 2022.

Attorneys for Defendants Town of Brunswick,
John Eldridge, Commander Hansen,
Officer Joshua Bernier, and Sgt. Ed Yurek
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